

Attorney Docket No. ABAX-009/03US 010265-2061

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OFFICE OF PETITIONS
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No.: 5,776,563

02/16/2011 DALLN 00000006 501283 00466155
01 FC:1599 2197.00 DA

Applicant: Steven N. BUHL *et al.* Confirmation No.: 2738

Serial No.: 08/466,155 Art Unit No.: 1773

Filed: June 6, 1995 Examiner: Dhirajlal S. Nakarani

FOR: DRIED CHEMICAL COMPOSITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION UNDER 37 C.F.R. § 1.28(c)

Sir:

This is a submission under 37 C.F.R. § 1.28(c) to correct an inadvertent error in claiming small entity status and to pay the deficiency that may have resulted from mistakenly paid small entity fees.

Patentee is now and has always itself been a small entity with less than 500 employees. A license to the above-captioned application and/or the subsequently issued patent was granted to Pharmacia, Inc., on October 1, 1994, to Cepheid¹ on September 30, 2005, and to bioMerieux SA on March 20, 2006. Patentee's agent, through error and without deceptive intent, continued to pay small entity fees thereafter. Accordingly, in compliance with the requirements of § 1.28,

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¹ Cepheid appears to have grown to over 500 employees sometime during 2008.

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Adjustment date: 04/22/2011 CKHLOK
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patentee now submits a good faith payment of the deficiency owed and requests the Office excuse the error.

Please charge \$6,122 to our Deposit Account No. 50-1283 for the total deficiency. As required under 37 CFR § 1.28 (c)(2)(ii), an itemization with respect to each fee that was paid is attached. If the Office determines that the calculation of the deficiency is in error, or if any other fee is required for entry, consideration, or acceptance of this paper, patentee requests that the Director debit the appropriate fee(s) from our Deposit Account No. 50-1283.

Dated: February 9, 2011

CUSTOMER NO. 58249

COOLEY LLP
ATTN: Patent Group
777 6th Street NW, Suite 1100
Washington, DC 20001
Tel: (415) 693-2002
Fax: (202) 842-7899

Respectfully submitted,
COOLEY LLP

By: /NanWu/
Nan Wu, M.D., Ph.D.
Reg. No. 43,360
Attorney for Abaxis, Inc.